

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**GAYLAND BRION COLES,**

**Plaintiff(s),**

**CASE NUMBER: 07-10661  
HONORABLE VICTORIA A. ROBERTS**

**v.**

**CENTRAL METAL PRODUCTS  
AND BAY RESOURCES, INC.,**

**Defendant(s).**

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**ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION**

On August 17, 2007, the Court granted Defendant Central Metal Products and Bay Resources, Inc.'s Motion for Judgment on the Pleadings. The Court adopted the reasons asserted by Defendant in support of its motion and found that Plaintiff Gayland Brion Coles failed to state a federal cause of action. Plaintiff asks that the Court reconsider its decision. Plaintiff's motion is denied.

Eastern District of Michigan Local Rule 7.1(g)(3) provides for reconsideration if the movant demonstrates a palpable defect by which the court and the parties have been misled, and further demonstrates that correcting the defect will result in a different disposition of the case. "A 'palpable defect' is a defect which is obvious, clear, unmistakable, manifest, or plain." *Fleck v Titan Tire Corp.*, 177 F.Supp. 2d 605, 624 (E.D. Mich. 2001). "[T]he court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by

reasonable implication.” L.R. 7.1(g)(3).

Plaintiff failed to identify a palpable defect in the Court’s ruling. He merely asserts arguments the Court already considered and rejected. Therefore, Plaintiff’s Motion for Reconsideration is **DENIED**.

**IT IS SO ORDERED.**

**S/Victoria A. Roberts**  
**Victoria A. Roberts**  
**United States District Judge**

**Dated: September 25, 2007**

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se plaintiff by electronic means or U.S. Mail on September 25, 2007.

**s/Carol A. Pinegar**  
**Deputy Clerk**